

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ARBOR NETWORKS, INC.,)	
)	
Plaintiff,)	
)	C.A. No. _____
v.)	
)	
WILLIAM E. RONCA III, RICHARD SHIRLEY,)	
DOUGLAS FLEMING, JAMES GILL, JAMES)	
NEEL, JASON MCEACHIN, MICHAEL L.)	
PORTER, ANDREW HENKART, PAUL)	
SCANLON, MICHAEL HOLLYMAN, and)	
RED LAMBDA, INC.,)	
)	
Defendants.)	
_____)	

PLAINTIFF’S MOTION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, the Plaintiff, Arbor Networks, Inc. (“Arbor” or “Plaintiff”), hereby respectfully seeks a temporary restraining order enjoining the defendants, William E. Ronca, III (“Ronca”), Richard Shirley (“Shirley”), Douglas Fleming (“Fleming”), James Gill (“Gill”), James Neel (“Neel”), Jason McEachin (“McEachin”), Michael L. Porter (“Porter”), Andrew Henkart (“Henkart”), Paul Scanlon (“Scanlon”), Michael Hollyman (“Hollyman”) (collectively, the “Individual Defendants”), and Red Lambda, Inc. (“Red Lambda”) (collectively with Individual Defendants, “Defendants”), consistent with the proposed Order attached hereto as Exhibit 1.

In support of this motion, Plaintiff hereby incorporates by reference the Verified Complaint, the Memorandum of Law in Support of Plaintiff’s Motion for a Temporary Restraining Order and Motion for a Preliminary Injunction, and the Affidavits of Dawn Mertineit, Esq., Chris Conry, and Carlos Morales, each filed contemporaneously herewith.

As set forth more fully in the accompanying Memorandum of Law, there is a substantial likelihood that Arbor will succeed on the merits of its claims against Defendants; without a restraining order, there is substantial risk that Arbor will suffer irreparable harm; the balance of harms weighs in favor of Arbor; and the requested restraining order will not adversely affect the public interest.

WHEREFORE, Plaintiff respectfully requests that the Court enter a Temporary Restraining Order consistent with the proposed Order attached hereto as Exhibit 1.

REQUEST FOR ORAL ARGUMENT

Respectfully submitted,

ARBOR NETWORKS, INC.

By its attorneys,

/s/ Dawn Mertineit

Katherine E. Perrelli (BBO #549820)

Dawn Mertineit (BBO #669988)

SEYFARTH SHAW LLP

World Trade Center East

Two Seaport Lane, Suite 300

Boston, Massachusetts 02210

(617) 946-4800

Dated: July 19, 2012